

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK MAHAFFEY,

Plaintiff,

v.

Case No. 13-14646

HON. AVERN COHN

DAVID SHARP,

Defendant.

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ORDER
ADOPTING REPORT AND RECOMMENDATION (Doc. 82)
AND
GRANTING DAVID SHARP'S MOTION TO DISMISS (Doc. 78)
AND DISMISSING CASE

I.

This is a pro se prisoner civil rights case. Plaintiff is a former inmate of the Michigan Department of Corrections (MDOC).¹ He asserts a claim under 42 U.S.C. § 1983 against defendants claiming a violation of his Eighth Amendment rights due to inadequate medical care for the treatment of a back condition. The matter has been referred to a magistrate judge for all pretrial proceedings. (Doc. 24).

Plaintiff initially named eleven (11) defendants. Following motion practice, the sole remaining defendant is Sharp. See Doc. 80.

Sharp filed a motion to dismiss. (Doc. 78). Plaintiff did not file a response to the

¹A search of Michigan's offender tracking systems shows that plaintiff was discharged in January of 2015. Plaintiff has also filed a change of address, indicating he now resides in Florida. See Doc. 69.

motion. The magistrate judge issued a report and recommendation (MJRR) recommending that the unopposed motion be granted. (Doc. 82).

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRR and agrees with the magistrate judge's analysis and recommendations. As the magistrate judge fully explained, plaintiff's claim against Sharp is barred by the statute of limitations.

III.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Sharp's motion to dismiss is GRANTED. This case is DISMISSED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 21, 2015
Detroit, Michigan